

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division

IN RE:	)	
	)	CASE NO. 09-36136-KRH
Michael C. Burt	)	
	)	CHAPTER 13
	)	
Debtor(s)	)	
_____	)	

**NOTICE OF OBJECTION TO CLAIM**

Linda D. Jennings and The Debt Law Group, PLLC have filed an objection to your claim in this bankruptcy case.

**Your claim may be reduced, modified, or eliminated. You should read these papers carefully and discuss them with your attorney, if you have one.**

If you do not want the court to eliminate or change your claim, then on or before December 7, 2010, you or your attorney must:

File with the court, at the address below, a written response to the objection and a request for a hearing. **Unless a written response is filed and served by the date specified, the court may decide that you do not oppose the objection to your claim.** If you mail your response to the court for filing, you must mail it early enough so that the court will **receive** it on or before the date stated above.

Clerk of Court  
United States Bankruptcy Court  
701 E. Broad Street  
Richmond, VA 23219

You must also mail a copy to:

Linda D. Jennings, Esq.  
The Debt Law Group, PLLC  
111 Highland Avenue  
Colonial Heights, VA 23834

☐ Attend the hearing on the objection scheduled to be held on \_\_\_\_\_  
\_\_\_\_\_ at \_\_\_\_\_ m. at United States  
Bankruptcy Court, \_\_\_\_\_  
\_\_\_\_\_.

- ☒ Attend a hearing to be scheduled at a later date. You will receive separate notice of hearing. **If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.**

If you or your attorney do not take these steps, the court may decide that you do not oppose the objection to your claim.

Date: 11/23/2010

/s/ Linda D. Jennings  
Linda D. Jennings, VSB#19455  
The Debt Law Group, PLLC  
111 Highland Avenue  
Colonial Heights, VA 23834  
804-506-0177 (ph)  
804-201-4707 (fax)  
Counsel for Debtor

#### **Certificate of Service**

I certify that on November 23, 2010 a copy of this Notice of Objection to Claim was mailed, first class, postage prepaid, faxed or electronically transmitted to Robert E. Hyman, Chapter 13 Trustee, P. O. Box 1780 Richmond, VA 23219-1780, The U.S. Trustee, 701 E. Broad Street, Suite 4304, Richmond, VA 23219, Komatsu Financial Limited Partnership, c/o Ryan O. Lawlor, Esq., Vedder Price P.C., 222 North LaSalle Street, Suite 2600, Chicago, Illinois 60601-1003, and all other necessary parties.

/s/ Linda D. Jennings  
Linda D. Jennings

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\_\_\_\_\_ )

**Objection to Claim**

The objecting party objects to the following claim in this case:

Claimant's Name: Komatsu Financial Limited Partnership

Claim #: 14 Amount \$141,298.14

DETAILED BASIS OF OBJECTION INCLUDING GROUNDS FOR OVERCOMING ANY PRESUMPTION UNDER RULE 3001(f):

1. Claimant has stated in its Addendum to Proof of Claim that the accelerated amount due under the Loan Documents, "As of the Petition Date" is \$141,298.14 including attorney's fees of \$12,217.43.
2. Debtor contends that said attorney's fees were not incurred as of the Petition Date, that the amount owed as of the date he filed his Petition was \$129,080.71.
3. Debtor further contends that said attorney's fees are not reasonable.

DATED: 11/23/2010

/s/ Linda D. Jennings  
**Linda D. Jennings**  
111 Highland Avenue  
Colonial Heights, VA 23834  
804-506-0177 (ph)  
804-201-4707 (fax)  
VSB # 19455

**Certificate of Service**

I certify that on November 23, 2010 a copy of this Objection was mailed, first class, postage prepaid, faxed or electronically transmitted to Robert E. Hyman, Chapter 13 Trustee, P. O. Box 1780 Richmond, VA 23219-1780, The U.S. Trustee, 701 E. Broad Street, Richmond, VA 23219, Komatsu Financial Limited Partnership, c/o Ryan O. Lawlor, Esq., Vedder Price P.C., 222 North LaSalle Street, Suite 2600, Chicago, Illinois 60601-1003, and all other necessary parties.

/s/ Linda D. Jennings

Linda D. Jennings

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**Amended Proposed Order**

There having been no opposition to the herein objection to claim number 14 the claim of Komatsu Financial Limited Partnership in the amount of \$141,298.14 and the Court having considered the objection and determined the sufficiency of the claim, it is hereby

**ORDERED** the claim is:

- |                                     |  |
|-------------------------------------|--|
| <input type="checkbox"/>            | DISALLOWED   |
| <input type="checkbox"/>            | ALLOWED AS A TIMELY FILED CLAIM IN THE<br>AMOUNT OF \$_____  |
| <input type="checkbox"/>            | ALLOWED AS A TARDILY FILED CLAIM IN THE<br>AMOUNT OF \$_____   |
| <input checked="" type="checkbox"/> | OTHER: MODIFIED AS FOLLOWS:<br>Secured Amount: \$129,080.71 only<br>\$12,217.43 portion for attorney fees denied |

I ask for this:

/s/ Linda D. Jennings  
Linda D. Jennings, VSB#19455  
Counsel for Debtor

Entered on Docket \_\_\_\_\_

\_\_\_\_\_  
U.S. Bankruptcy Judge

**CERTIFICATE OF SERVICE**

I certify that on November 23, 2010 a copy of this Proposed Order was mailed, first class, postage prepaid, faxed or electronically transmitted to Robert E. Hyman, Chapter 13 Trustee, P. O. Box 1780 Richmond, VA 23219-1780, The U.S. Trustee, 701 E. Broad Street, Richmond, VA 23219, Komatsu Financial Limited Partnership, c/o Ryan O. Lawlor, Esq., Vedder Price P.C., 222 North LaSalle Street, Suite 2600, Chicago, Illinois 60601-1003, and all other necessary parties.

/s/ Linda D. Jennings  
Linda D. Jennings